



REPUBLIC OF VANUATU

BUSINESS LICENCE (AMENDMENT) ACT NO. 34 OF 2010

Arrangement of Sections

1	Amendment	2
2	Commencement.....	2

REPUBLIC OF VANUATU

Assent: 17/01/2011
Commencement: 19/01/2011

BUSINESS LICENCE (AMENDMENT) ACT NO. 34 OF 2010

An Act to amend the Business Licence Act [CAP 249].

Be it enacted by the President and Parliament as follows-

1 Amendment

The Business Licence Act [CAP 249] is amended as set out in the Schedule.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE

AMENDMENTS OF THE BUSINESS LICENCE ACT [CAP 249]

1 Subsection 2(1)

Repeal the subsection, substitute

- “(1) A person must not carry on a business without a licence issued under this Act, unless:
- (a) the person is exempted from business licence under Schedule 2; or
 - (b) the annual turnover of the business activity the person is carrying on, is less than VT 4 million.”

2 After subsection 2(1)

Insert

- “(1A) A person who is carrying on a taxable activity within the meaning of section 4 of the Value Added Tax Act [CAP 247] and who is registered under section 12 of that Act must not carry on the taxable activity unless the person has been issued with a business licence under this Act to do so.”

3 Subsection 2(2)

Delete “Schedule 2” substitute, “subsection (1)”

4 After section 2

Insert

“2A Business Operation Certificate

- (1) A person who is:
- (a) exempted under subsection 2(1) from being issued with a business licence under this Act; or
 - (b) carrying on a business activity and who is not registered under section 12 of the Value Added Tax Act [CAP 247],

must be registered and issued with a business operations certificate in accordance with subsection (2).

- (2) For the purposes of subsection (1):
- (a) if the business activity is carried on in a Local Government Region – by the relevant Local Government Council; or
 - (b) if the business activity is carried on in a Municipal Boundary – by the Director.”

5 Schedule 1

- (a) Delete “plus for each non-citizen principal or partner engaged in the business, 100,000” (wherever occurring).
- (b) Delete “20,000 for gross turnover of less than 10 million;” (wherever occurring), substitute “20,000 for gross turnover of 4 million or more but less than 10 million;”

6 Schedule 1, Category B, clause 3

Delete “(A category D1 Import Licence is required for all such imports plus a D3 licence is required for direct resale)”

7 Schedule 1, Category B, clause 4

Delete “D3” substitute, “D2”

8 Schedule 1, Category C, clause 2

Delete “(A category D1 Import Licence is required for all such imports plus a D2 licence is required for direct resale)”

9 Schedule 1, Category C, clause 3

Delete “D1 and D2 licences” substitute “a D2 licence”

10 Schedule 1, Category D1 (heading)

Repeal the heading substitute, “Importation and Re-export”

11 Schedule 1, Category D1 (i), (ii), (iii) and D2 (i), (ii) and (iii) – under the heading “REMARKS”

Repeal the subparagraphs.

12 Schedule 1 Category D1 and D2 -under the heading “REMARKS”

Insert

“D1. A category D1 license is required for businesses that import merchandise with the intention of re-exporting the goods without substantially transforming

them. **Transformation** means creating a new and different good that is distinct from the raw materials used to create it.

D2. A category D2 license is required for businesses which sell wholesale or retail merchandise of every description including butchers, but excluding open-air vendors and mobile shops. It covers the direct importing of goods for re-sale within the country.”

13 Schedule 1, Category D1

Delete “10,000” substitute, “20,000 for gross turnover of 4 million or more but less than 10 million;

50,000 for gross turnover of 10 million to less than 20 million;

100,000 for gross turnover of 20 million to less than 50 million;

250,000 for gross turnover of 50 million to less than 100 million;

500,000 for gross turnover of 100 million to less than 200 million;

1,000,000 for gross turnover of 200 million or more.”

14 Schedule 1 – CLASS D, Category D5

Delete “5,000 for gross turnover of less than 10 million;” substitute “20,000 for gross turnover of 4 million or more but less than 10 million;”